

Message Text

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64

ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 IO-14 NIC-01 SAJ-01 OMB-01 DRC-01

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 8698

INFO AMEMBASSY BUDAPEST

AMEMBASSY BUCHAREST

AMEMBASSY BELGRADE

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

AMEMBASSY WARSAW

USMISSION BERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 16454

E.O. 11652: GDS

TAGS: PGOV, PFOR, GW, CZ, GE, WB

SUBJECT: FRG-CZECH DIFFERENCES REMAIN UNRESOLVED

REF: A) BONN 16327; B) BONN 15983; C) MOSCOW 13845

SUMMARY: FRG BONN GROUP REP HAS INFORMED ALLIED REPS
THAT AGREEMENT ON LEGAL ASSISTANCE PROBLEM REACHED IN
PRINCIPLE WITH CZECHS DURING VAL WELL PRAGUE VISIT
HAS COME UNSTUCK. PRAGUE SAID ARRANGEMENT UNACCEPT-
ABLE SINCE IT DID NOT FOLLOW MOSCOW PATTERN WHEREBY
FRG ALONE MADE SPECIFIC MENTION OF WEST BERLIN COURTS.
FRG FONOFF UNSURE OF OUTCOME PRESENT IMPASSE. END
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SUMMARY.

1. FRG BONN GROUP REP (KASTRUP) INFORMED ALLIED REPS AT NOVEMBER 12 BONN GROUP MEETING THAT CZECH DEP FONMIN GOETZ (WHO HAD BEEN VAN WELL'S NEGOTIATING PARTNER IN PRAGUE NOVEMBER 7-8) TOLD FRG AMBASSADOR IN PRAGUE ON NOVEMBER 11 THAT CZECH GOVERNMENT HAD CONSIDERED AD REFERENDUM GOETZ-VAN WELL AGREEMENT AND COULD NOT ACCEPT IT. GOETZ SAID THAT ARRANGEMENT WAS UNACCEPTABLE SINCE IT DID NOT FOLLOW PATTERN SET NOVEMBER 3 IN MOSCOW WHEREBY FONMIN SCHEEL, WITH FORE-KNOWLEDGE OF SOVIETS, MADE UNILATERAL DECLARATION REGARDING POSSIBLE SETTLEMENT OF LEGAL ASSISTANCE PROBLEM BASED ON DIRECT COURT-TO-COURT DEALINGS BOTH BETWEEN THE USSR AND FRG AND BETWEEN THE USSR AND THE WSB. (SOVIETS, THUS, HAVE NEVER MADE PUBLIC STATEMENT REGARDING THIS POSSIBILITY.)

2. KASTRUP REPORTED THAT CZECHS THEN PRESENTED IN PRAGUE A DRAFT, FOUND UNACCEPTABLE BY THE FRG, IN WHICH NO MENTION OF WSB COURTS WAS MADE BUT WHICH STATED THAT PRAGUE WAS WILLING TO DISCUSS THE PROBLEM AFTER INITIATION OF FRG-CSSR DIPLOMATIC RELATIONS. FRG FONOFF HAS INSTRUCTED ITS EMBASSY IN PRAGUE TO MAKE DEMARCHE EMPHASIZING MERIT OF GOETZ-VAN WELL AGREEMENT AND NOTING FRG DISAPPOINTMENT THAT CSSR HAS PUT INTO QUESTION THE VERY BASIS FOR SETTLEMENT OF THE MATTER. A MAJOR REASON FOR FRG REJECTION OF CZECH PROPOSAL, INDICATED KASTRUP, IS FRG CONCERN THAT COURTS OF WSB AND OF FRG RECEIVE PRECISELY SAME TREATMENT UNDER ANY SETTLEMENT WITH EES.

3. COMMENT: CONSIDERING THE VERY LIMITED NATURE OF WHAT SOVIETS ACTUALLY AGREED DURING SCHEEL'S MOSCOW VISIT (REFTELS B AND C), FRG PROBABLY DISPLAYED EXCESSIVE OPTIMISM IN THEIR EXPECTATION OF QUICK AGREEMENT WITH THE CZECHS. WE SUSPECT THAT REAL PROBLEM MAY BE THE GDR, WHICH HAS LIKELY ASSERTED PRESSURE VIA MOSCOW TO GET PRAGUE TO HOLD OFF. THE FRG AND GDR ARE NOW IN THE EARLY STAGES OF THEIR TALKS ON LEGAL RELATIONS AND THERE IS LITTLE DOUBT IN OUR MINDS THAT THE GDR WOULD

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STRONGLY PREFER THAT ITS POSITION ON LEGAL ASSISTANCE NOT BE PREJUDICED BY ANY FRG AGREEMENT WITH OTHER EE PRIOR TO FRG-GDR SETTLEMENT. FRG PROBLEM IS COMPOUNDED BY FACT THAT FONOFF PRESS SPOKESMAN ON NOVEMBER 9 TOLD PRESS CONFERENCE THAT, AS RESULT OF VAN WELL CONSULTATIONS IN PRAGUE, "QUICK ESTABLISHMENT" OF RELATIONS WITH PRAGUE WAS NOW POSSIBLE, AND THAT A BRANDT-SCHEEL VISIT TO PRAGUE WOULD SOON BE IN PREPARATION.

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